

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

EMANUEL CERVELLI,

Plaintiff,

V.

EXACTECH, INC. and EXACTECH, US,  
INC.

Defendants.

Civil Action No.: 2:22-cv-02967

**STIPULATION OF VOLUNTARY DISMISSAL OF COUNTS IV, V, VII OF  
PLAINTIFF'S COMPLAINT**

It is hereby stipulated and agreed by and between counsel for Plaintiff, EMANUEL CERVELLI, and counsel for Defendants, EXACTECH, INC and EXACTECH, U.S. INC., in the above-captioned matter, that Plaintiff is voluntarily dismissing Count IV (Negligence), Count V (Negligent Misrepresentation), and Count VII (Breach of Implied Warranty) from Plaintiff's Complaint without prejudice, and Plaintiff maintains the right to seek leave to amend his Complaint in the future as needed. Plaintiff will file and serve an Amended Complaint reflecting removal of Counts IV, V, and VII. Defendants will then have 30 days from when Plaintiff files his Amended Complaint to serve their responsive pleading.

It is further stipulated and agreed by and between counsel for Plaintiff and the Defendants that New Jersey law will apply in the above-captioned matter.

IT IS SO STIPULATED:

DATED: August 8, 2022

Respectfully submitted,

By: /s/ Danielle Gold  
Danielle Gold, Esq.  
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**ATTORNEYS FOR PLAINTIFF**

Dated: August 8, 2022

Respectfully submitted,

/s/ Erica S. Mekles  
Erica S. Mekles (EM1020)  
New Jersey Bar No. 000662010  
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**ATTORNEYS FOR DEFENDANTS  
EXACTECH, INC. AND EXACTECH  
U.S., INC.**